

# PERSONNEL BOARD

## October 20, 2005

### MEETING

Meeting was held Thursday, October 20, 2005, City Council Chambers, County-City Building, Lincoln, Nebraska.

Members present: Ed Wimes, Pat Borer, Sarah Jones, Kevin Flores. Member absent: Maggie Stine. Personnel Department resource staff attending: Karen Eurich.

The meeting was opened at 1:30 p.m. by Vice-Chair Ed Wimes.

Vice-Chair Ed Wimes read into the record the withdrawal of the Joyce George appeal that was originally scheduled on the September 15, 2005 board agenda.

Agenda Item 1 was the request to amend Section 2.76.175 of the Lincoln Municipal Code — Compensation Plan; Promotion, Transfer, Demotion, or Temporary Promotion. Don Taute of the Personnel Department explained this request to the Personnel Board was the result of contract negotiations with the LCEA bargaining group when they changed from a variable merit pay plan to a step pay plan. This code amendment was overlooked when the previous changes were brought before the Board in July, and this language change will coincide with the LCEA labor contract. Following discussion it was moved by Sarah Jones and seconded by Pat Borer to approve the amendment as presented. Motion unanimously carried by roll call vote.

Agenda Item 2 was the request to amend Section 2.76.380 of the Lincoln Municipal Code — Sick Leave with Pay. Don Taute of the Personnel Department explained this request was to expand the definition of family sick leave usage for employees that are not represented by a bargaining unit, and to strike the word “forty” from the original language that did not get deleted when the previous proposal was brought to the Board in July. Following discussion, it was moved by Pat Borer and seconded by Sarah Jones to approve the amendment as presented. Motion unanimously carried by roll call vote.

Agenda Items 3 and 4 were requests for grievance hearings from John Arnold, III, with Lincoln Fire and Rescue. Connor Reuter represented the City and John Corrigan of Dowd, Howard & Corrigan, LLC, represented John Arnold, III. The proceedings were recorded by Linda Swanson of J.S. Wurm & Associates and are on file in that office. Connor Reuter of the City Attorney’s Office questioned the ability of Board member Pat Borer to hear the grievances in a fair and impartial manner. Pat Borer declared he believed he could be fair and impartial in the case. There were 11 exhibits offered into the record and received by the Board. Witnesses called: Dave Engler; John Arnold, III; Mike Spadt; Don Taute. Following discussion, Vice-Chair Ed Wimes asked for a motion from the Board. It was

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moved by Sarah Jones and seconded by Kevin Flores to deny the grievances presented to the Board. Motion unanimously carried by roll call vote.

Agenda Item 5 was the election of Chair. It was moved by Sarah Jones and seconded by Pat Borer to elect Ed Wimes as Chair. Motion unanimously carried by roll call vote.

Agenda Item 6 was the election of Vice-Chair. Ed Wimes called for volunteers for this position. Board member Pat Borer volunteered to be Vice-Chair. All Board members voted their approval by saying "Aye".

Agenda Item 7 was miscellaneous discussion. Don Taute of the Personnel Department distributed a letter addressed to the Personnel Board from Council member Robin Eschliman in regard to the recent controversy over the pay range changes for the "M" classifications.

There being no further business, the meeting adjourned at 4:45 p.m.

The next scheduled meeting is tentatively set for Thursday, November 17, 2005.

Karen Eurich

Personnel Operations Specialist

PC:       Joan Ross, City Clerk  
          John Arnold, III  
          Mike Spadt  
          John Corrigan

BEFORE THE CITY OF LINCOLN PERSONNEL BOARD

IN THE MATTER OF THE )  
GRIEVANCE HEARING OF )

John Arnold, III )

DECISION )

NOW ON THIS 20<sup>th</sup> day of October, 2005, this matter came before the City of Lincoln Personnel Board on the request for a Grievance Hearing of John Arnold, III regarding the alleged violation of Article 29, Section 2, and Article 26, Section 4, of the Contract between the City of Lincoln and the International Association of Firefighters, pertaining to involuntarily being placed on vacation. The Grievant was represented by John Corrigan and the City was represented by Assistant City Attorney Connor Reuter.

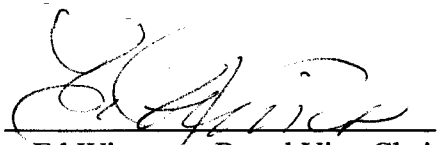
Evidence was introduced, testimony offered by the Grievant and the City, exhibits were submitted, oral arguments were heard, and the matter was submitted to the Board. Board Member Sarah Jones moved to deny the Grievance, and upon a vote of 4 - 0 the Grievance was denied.

IT IS, THEREFORE, CONSIDERED, ORDERED, AND ADJUDGED, that the Grievance of John Arnold, III regarding the alleged violation of Article 29, Section 2, and Article 26, Section 4, of the Contract between the City of Lincoln and the International Association of Firefighters, pertaining to involuntarily being placed on vacation, be and the same is hereby denied for the reason that the Board finds that the evidence is insufficient to support a finding that Article 29, Section 2, and Article 26, Section 4, of the Agreement was violated regarding involuntarily being placed on vacation.

Dated this 28<sup>th</sup> day of October, 2005.

CITY PERSONNEL BOARD,

By:

  
Ed Wimes, Board Vice-Chair

BEFORE THE CITY OF LINCOLN PERSONNEL BOARD

IN THE MATTER OF THE )  
GRIEVANCE HEARING OF )  
John Arnold, III )

DECISION

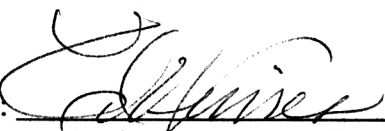
NOW ON THIS 20<sup>th</sup> day of October, 2005, this matter came before the City of Lincoln Personnel Board on the request for a Grievance Hearing of John Arnold, III regarding the alleged violation of Article 4, Sections 1 & 3, and Article 5 and Article 35 of the Contract between the City of Lincoln and the International Association of Firefighters; and Management Policy 310.02, pertaining to annual physical requirements. The Grievant was represented by John Corrigan and the City was represented by Assistant City Attorney Connor Reuter.

Evidence was introduced, testimony offered by the Grievant and the City, exhibits were submitted, oral arguments were heard, and the matter was submitted to the Board. Board Member Sarah Jones moved to deny the Grievance, and upon a vote of 4 – 0 the Grievance was denied.

IT IS, THEREFORE, CONSIDERED, ORDERED, AND ADJUDGED, that the Grievance of John Arnold, III regarding the alleged violation of Article 4, Sections 1 & 3, and Article 5 and Article 35 of the Contract between the City of Lincoln and the International Association of Firefighters; and Management Policy 310.02, pertaining to annual physical requirements, be and the same is hereby denied for the reason that the Board finds that the evidence is insufficient to support a finding that Article 4, Sections 1 & 3, and Article 5 and Article 35 of the Agreement and Management Policy 310.02, were violated regarding annual physical requirements.

Dated this 28<sup>th</sup> day of October, 2005.

CITY PERSONNEL BOARD,

By:   
Ed Wimes, Board Vice-Chair